

REMARKS

Responsive to the preliminary determination of lack of unity in the Official Action, Applicants provisionally elect group III, claims 29-41 and 44, drawn to a pharmaceutical or cosmetic formulation comprising a lipopeptide, with traverse.

The reasons for traverse follow:

The shared special technical feature of the claims is a lipopeptide comprising a peptide antigen specific for a T cell population, wherein the peptide antigen is coupled covalently with a lipid radical and is capable of activating the T cell population.

Accordingly, a full search for the elected subject matter directed to a pharmaceutical or cosmetic formulation comprising the lipopeptide comprising a peptide antigen specific for a T cell population, should also reveal all relevant prior art directed to other claimed subject matter, e.g., methods of treatments comprising the administration of topical medicinal products comprising the lipopeptide comprising a peptide antigen specific for a T cell population, and methods of manufacturing of topical medicinal products comprising the lipopeptide comprising a peptide antigen specific for a T cell population.

Indeed, as evidenced by the International Search Report, there is unity of invention. That is, in applying the same legal standard to similar claims and considering the same Fousad et al. document, the International Search Authority

arrived at a different legal conclusion than the outstanding Official Action. The Patent Office does not explain why a different legal conclusion was reached.

Therefore, withdrawal of the restriction requirement is respectfully requested.

A favorable action on the merits of all claims, in their full scope, is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert A. Madsen/
Robert A. Madsen, Reg. No. 58,543
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RAM/fb